

Committee Room,  
Austin, Texas, May 14, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
State Affairs, to whom was referred  
S. C. R. No. 67, A resolution grant-  
ing Silas Gotcher and Mrs. Katie  
Gotcher permission to sue the State.

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass and  
be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, May 14, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
State Affairs, to whom was referred  
H. C. R. No. 130, Granting Hen-  
derson County the right to use cer-  
tain equipment owned by the State  
Highway Department.

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass and  
be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, May 14, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
Public Health, to whom was re-  
ferred

H. B. No. 424, A bill to be entitled  
"An Act regulating industrial home-  
work; defining certain terms; pro-  
hibiting certain forms of industrial  
homework; empowering the Board of  
Health to enforce the provisions of  
this Act; prescribing the procedure  
to be used by the Board of Health;  
requiring an employer's permit for  
industrial homework and providing  
a license fee therefor; requiring a  
certificate for any person who shall  
engage in industrial homework; re-  
quiring all materials or articles man-  
ufactured by industrial homework to  
be labeled with the employer's name  
and address; providing that articles  
unlawfully manufactured by home-  
work may be seized by the Board of  
Public Health; requiring an em-  
ployer to keep records of industrial  
homework; making it the duty of  
the Board of Health to enforce  
the provisions of this Act; au-  
thorizing the Board of Health or its

authorized representatives to admin-  
ister oaths and take affidavits; pro-  
viding a penalty; providing if any  
part of the Act is declared invalid  
the remainder of the Act shall not be  
affected; and declaring an emer-  
gency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass and  
be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, May 14, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
State Affairs, to whom was referred  
H. C. R. No. 89, A resolution  
granting Mrs. Esther Ramsey per-  
mission to sue the State.

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass and  
be not printed.

PACE, Chairman.

## SEVENTY-SIXTH DAY—

### CONTINUED.

(Saturday, May 15, 1937)

The Senate met at 10 o'clock a. m.,  
and was called to order by President  
Woodul.

### Leaves of Absence Granted.

Senators Westerfeld, Weinert and  
Nelson were granted leaves of ab-  
sence for today on account of im-  
portant business, on motion of Sen-  
ator Burns and by unanimous con-  
sent.

Senator Hill was granted leave of  
absence for today on account of im-  
portant State business, on motion of  
Senator Beck.

### Reports of Standing Committees.

(By Unanimous Consent.)

Reports on H. C. R. No. 90 and  
on House Bills Nos. 469, 1162 and  
1143 were submitted by the chair-  
men of the several committees to  
which they were referred. (See ap-  
pendix for reports in full.)

**House Bill No. 1073 on Second Reading.**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1073, A bill to be entitled "An Act amending Article 5135, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Aikin offered the following amendments to the bill:

**(1)**

Amend H. B. No. 1073 by striking out all below the enacting clause and substituting in lieu thereof, the following:

**Section 1. "Delinquent Child."** The term "delinquent child" shall include any boy between the ages of ten and seventeen years and/or any girl between the ages of ten and eighteen years who violates any penal law of this State, or who is incorrigible, or who knowingly associates with thieves, vicious or immoral persons, or who knowingly visits a house of ill repute, or who is guilty of immoral conduct in a public place, or who knowingly patronizes or visits any place where a gambling device is being operated, or who habitually wanders about the streets in the night time without being on any business or occupation or who habitually wanders about any railroad yard or tracks, or habitually jumps on and off of moving trains or who enters any car or engine without lawful authority. Any such child committing any of the acts herein mentioned shall be deemed a delinquent child, and shall be proceeded against as such in the manner hereinafter provided, and as otherwise so provided by the law, so as to effect the object of this law.

**Sec. 2.** Who received at said schools. Any male person between the ages of ten and seventeen years who shall be lawfully committed to the State Juvenile Training School as a delinquent child, and not possessing any of the disqualifications hereinafter mentioned, shall be received as an inmate of said training school.

**Sec. 3. Girls' Training School.** The Girls' Training School for delinquent girls shall be under the control and management of the State Board of Control which shall provide wholesome and proper quarters and exercise and diversion, and shall make provisions for training in all of the useful arts and sciences to which women are adapted, to prepare them for future womanhood and independence, and shall provide instruction in nursing, sanitation and hygiene.

**Sec. 4.** Whenever any girl between the age of ten and eighteen or boy between the ages of ten and seventeen shall be tried or brought before any juvenile court upon indictment or information or before the District Court on petition of any person in this State of the Humane Society or any institution of a similar purpose or character, charged with being a delinquent child as this term is herein defined, the Court may, if in the opinion of the judge, the Juvenile Training School is the proper place for him, if a boy, or the Girls' Training School is the proper place for her, if a girl, commit such person to the Juvenile Training School for boys or the Girls' Training School for girls during the minority of said person. No person shall be committed to either school who is feeble-minded, epileptic or insane, but if so committed the State Board of Control shall have the authority to immediately transfer to the proper eleemosynary institution. Any person committed to either school who is afflicted with a venereal, tubercular or other communicable disease shall be assigned to a distinct and separate building of the institution and shall not be allowed to associate with the other wards until cured of said disease or diseases. No person shall be admitted to either of said schools until he or she has been examined by the school physician and such physician has issued a certificate showing said person's exact state or condition in reference to said qualifications hereinabove enumerated.

**Sec. 5. Unruly child excluded—**transfers. All juvenile courts shall give preference to those children of tender age, and said courts shall not commit to said Home for Dependent and Neglected Children any children under the age of sixteen years who

are known to be habitual violators of the laws of this State or who have been inmates of any State juvenile correctional school, provided, however, that the State Board of Control is hereby authorized to transfer to this Home from any State juvenile correctional school any child of tender years whose record is satisfactory, upon the recommendation of the superintendent of such correctional school or any interested citizen. If the conduct of any child in said Home become sufficiently uncontrollable as to impair the better interests of other children in the Home, the Board, upon application of the superintendent, shall have the authority to transfer such child to any State juvenile correctional school admitting juveniles of similar age and sex, and it shall be the duty of the respective superintendents to transfer, transport and admit such child. Said Board may transfer children from said Juvenile Training Schools or said Home to the State Orphans' Home and from said Orphans' Home to said Training Schools.

Sec. 6. Articles 3258, 5125, 5132 and 5135 of the Revised Civil Statutes of 1925, and Article 1083 of the Code of Criminal Procedure are hereby specifically repealed.

Sec. 7. In the event any sentence, line, portion or paragraph of this Act shall be held to be invalid or declared to be unconstitutional such shall not affect the valid portions hereof, and it shall be and is the intent of the Legislature to enact the valid portions thereof, irrespective of any invalid portions.

Sec. 8. The importance of this legislation and the fact that the present law allows boys and girls of tender age to be sent to the training schools as dependent children upon being convicted of being delinquent children thus causing children of such age to be associated with delinquent children of the age up to twenty-one years, creates an imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days in each House be, and the same is hereby suspended and this Act shall be in full force and effect from and after its passage, and it is so enacted.

(2)

Amend H. B. No. 1073 by striking out all above the enacting clause and

substituting in lieu thereof, the following:

#### A BILL

#### To Be Entitled

An Act defining the term "delinquent child" and providing that such shall be proceeded against as such in the manner provided by law so as to effect the object of this law, and providing for the bringing of such before a juvenile court upon indictment or information, or before the district court on the petition of any person, or the Humane Society, or an institution of similar purposes or character, and for the commitment of such to the State Juvenile Training School if a boy, and to the Girls' Training School, if a girl, during minority. Providing that no feeble-minded, epileptic or insane child shall be committed to either and if so committed may be transferred to the proper institution, providing for the isolation of any child afflicted with venereal, tubercular or other communicable disease until cured of said disease or diseases; providing for the examination upon admission, and the issuance of a certificate showing the exact condition or state in reference to the qualifications above enumerated of each one to be admitted, providing for the exclusion of unruly children from the Home for Dependent and Neglected Children and the transfer from the Training Schools to the Home for Dependent and Neglected Children and the State Orphans Home and from the Home for Dependent and Neglected Children and the Orphans Home to the Training Schools and from the Home for Dependent and Neglected Children to the State Orphans Home, repealing Articles 3258, 5125, 5132 and 5135 of the Revised Civil Statutes of 1925, and Article 1083 of the Code of Criminal Procedure, and providing that in the event any part or portion of this Act shall be declared invalid or unconstitutional such declaration shall not affect the remaining portion thereof and the valid portions thereof shall be declared the Act of the Legislature, and declaring an emergency.

The amendments were adopted severally.

The bill was passed to third reading.

**House Bill No. 1073 on Third Reading.**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1073 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—27.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

**Absent—Excused.**

Nelson	Weinert
Spears	Westerfeld

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—27.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

**Absent—Excused.**

Nelson	Weinert
Spears	Westerfeld

**Relative to Adjournment Sine Die.**

The President laid before the Senate, as postponed business, for further consideration at this time (the resolution having been read on yesterday and postponed at that time until 10:15 o'clock a. m., today):

H. C. R. No. 131, Providing for adjournment sine die of the Legislature on May 22, 1937.

Question—Shall the resolution be adopted?

Senator Pace moved the previous question on the resolution and the main question was ordered.

**Record of Votes.**

Senators Moore, Aikin and Oneal asked to be recorded as voting "nay" on the motion for the previous question.

Senator Moore raised a point of order on further consideration of the resolution, on the ground that under its terms the time within which the Senate is required to act on it has expired.

The President overruled the point of order.

Question recurring on the resolution, it was adopted.

**House Bill No. 1177 on Second Reading.**

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1177, A bill to be entitled "An Act to amend Article 879g of the Penal Code of Texas by excluding Polk County, Texas, from the terms thereof, with respect to closed season on hunting, killing or taking wild bear, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Burns and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 1177 on Third Reading.**

Senator Burns moved that the constitutional rule requiring bill to be

read on three several days be suspended and that H. B. No. 1177 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

## Absent—Excused.

Nelson	Weinert
Spears	Westerfeld

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—27.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

## Absent—Excused.

Nelson	Weinert
Spears	Westerfeld

### House Bill No. 5 on Passage to Third Reading.

The Senate resumed consideration of pending business, same being H. B. No. 5, regulating the sale, etc., of alcoholic liquors, on its passage to third reading.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 5 by adding at the end of line 2 on page 23, the following:

Provided that the Board shall prepare prescription form blanks for use in dry territory and no physician shall issue any prescription except on said forms which will require a place for the placing of the finger prints of the patient receiving such prescription, which physician issuing the same shall certify and providing that the said prescription shall be a public record available to the general public at all times, a copy of which shall be placed each week on the Court House door of the County in which the prescription was issued. Provided further that in the failure to carry out the provisions of the above, said physician shall be subject to the cancellation of his license.

(Signed): Sulak, Stone, Brownlee, Westerfeld, Holbrook, Winfield, Spears.

On motion of Senator Newton, the amendment was tabled.

Senator Small offered the following amendment to the bill:

Amend H. B. No. 5 by striking out all of Sec. 15 after line 50 and insert the following:

Unless specifically denied herein, an appeal from any decision, order or ruling of the Board or Administrator may be taken to the District Court of the County in which the aggrieved licensee or permittee, or the owner of the involved real or personal property may reside. The proceeding on appeal shall be against the Board alone as defendant and the trial shall be *ne novo* under the same rules as ordinary civil suits, with the following exceptions which shall be construed literally, viz:

a. All appeals shall be perfected and filed within thirty days after the official date of the order, decision or ruling of the Board or Administrator.

b. Such proceedings shall have precedence over all other causes of a different nature.

c. All such causes shall be tried in the District Court after seven (7) days notice to the Board.

c. The order, decision or ruling of the Board may be suspended or modified by the District Court pending a trial on the merits but the final judgment of the District Court

shall not be modified or superseded pending appeal.

Senator Redditt moved the previous question on the amendment and the passage of the bill to third reading and the motion was duly seconded.

Question—Shall the main question now be ordered?

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—12.

Beck	Lemens
Burns	Oneal
Cotten	Pace
Davis	Redditt
Head	Small
Isbell	Van Zandt

Nays—13.

Aikin	Roberts
Brownlee	Shivers
Collie	Stone
Holbrook	Sulak
Moore	Winfield
Newton	Woodruff
Rawlings	

Present—Not Voting.

Neal

Absent—Excused.

Hill	Weinert
Nelson	Westerfeld
Spears	

The amendment was adopted.

Senator Small offered the following amendment to the bill:

Amend H. B. No. 5, page 8, line 8, by adding after the word "by" the words "any of."

The amendment was adopted.

Senator Small offered the following amendment to the bill:

Amend H. B. No. 5, page 19, by striking out of line 54 the following:

"Mayor of any city or town."

The amendment was adopted.

Senator Small offered the following amendment to the bill:

Amend H. B. No. 5, page 2, line 30, by changing the letter "(a)" to "a-".

The amendment was adopted.

Senator Small offered the following amendment to the bill:

Amend H. B. No. 5, page 6, line 32, by striking out the words "such number" and adding in lieu thereof "as many as five."

Senator Redditt moved the previous question on the amendment and the passage of the bill to third reading, and the motion was duly seconded.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—14.

Beck	Lemens
Brownlee	Neal
Burns	Oneal
Cotten	Pace
Davis	Redditt
Head	Small
Isbell	Van Zandt

Nays—11.

Aikin	Shivers
Collie	Stone
Holbrook	Sulak
Moore	Winfield
Rawlings	Woodruff
Roberts	

Absent.

Newton

Absent—Excused.

Hill	Weinert
Nelson	Westerfeld
Spears	

Question then first recurring on the amendment, it was adopted.

Question next recurring on passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—17.

Aikin	Lemens
Beck	Neal
Brownlee	Newton
Burns	Oneal
Collie	Pace
Cotten	Redditt
Davis	Van Zandt
Head	Woodruff
Isbell	

## Nays—7.

Holbrook	Stone
Rawlings	Sulak
Roberts	Winfield
Shivers	

## Absent—Excused.

Nelson	Westerfeld
Spears	

## Paired.

Senator Moore (present), who would vote nay with Senator Hill (absent), who would vote yea.

Senator Small (present), who would vote yea with Senator Weinert (absent), who would vote nay.

**Motion to Suspend Constitutional Rule.**

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 5 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—17.

Aikin	Lemens
Beck	Neal
Brownlee	Oneal
Burns	Pace
Collie	Redditt
Cotten	Small
Davis	Van Zandt
Head	Woodruff
Isbell	

## Nays—9.

Holbrook	Shivers
Moore	Stone
Newton	Sulak
Rawlings	Winfield
Roberts	

## Absent—Excused.

Hill	Weinert
Nelson	Westerfeld
Spears	

## Adjournment.

Senator Small moved that the Senate adjourn until 11:15 o'clock a. m., Saturday, May 15, 1937.

Senator Moore moved that the Senate adjourn until 10:00 o'clock a. m., next Monday.

Question first recurring on the motion of Senator Moore, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—9.

Brownlee	Shivers
Holbrook	Stone
Moore	Sulak
Rawlings	Winfield
Roberts	

## Nays—17.

Aikin	Neal
Beck	Newton
Burns	Oneal
Collie	Pace
Cotten	Redditt
Davis	Small
Head	Van Zandt
Isbell	Woodruff
Lemens	

## Absent—Excused.

Hill	Weinert
Nelson	Westerfeld
Spears	

The motion of Senator Small prevailed, and the Senate, accordingly, at 11:10 o'clock a. m., adjourned till 11:15 o'clock a. m., Saturday, May 15, 1937.

## APPENDIX.

## Reports of Standing Committees.

Committee Room,  
Austin, Texas, May 14, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 90, A resolution granting Mrs. R. L. Gillespie permission to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, May 15, 1937.  
Hon. Walter F. Woodul, President of the Senate.  
Sir: We, your Committee on Ed-

ucational Affairs, to whom was referred

H. B. No. 469, A bill to be entitled "An Act amending Article 2843, Title No. 49, Chapter 16, Revised Civil Statutes of 1925, authorizing the increase or decrease in the list of subjects for which free textbooks are adopted; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, May 15, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 1162, A bill to be entitled "An Act to authorize the Commissioners' Court of Montgomery County to pay bounties under certain conditions for the destruction of wolves, coyotes, wildcats, and other predatory animals and fowls in said county; to make rules and regulations with respect thereto; regulating the issuance of warrants in payment thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, May 15, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1143, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas for the State Commission for the Blind for the balance of the fiscal year ending August 31, 1937; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

## SEVENTY-SEVENTH DAY.

(Saturday, May 15, 1937)

The Senate met at 11:15 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Winfield
Neal	Woodruff

The following Senators were absent and excused:

Hill	Weinert
Nelson	Westerfeld
Spears	

A quorum was announced present.

The invocation was offered by Assistant Sergeant-at-Arms Smith.

Reading of the Journal of the proceedings of the seventy-sixth legislative day was dispensed with, on motion of Senator Roberts.

### Leaves of Absence Granted.

Senator Westerfeld was granted leave of absence for today, on account of important business, on motion of Senator Oneal.

Senator Hill was granted leave of absence for today, on account of important State business, and Senators Spears, Weinert and Nelson were granted leave of absence for today on account of important business, on motion of Senator Burns.

### Resolutions Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following resolutions:

H. J. R. No. 26, Proposing an amendment to Article 3 of the Constitution of the State of Texas by adopting a new section to be known as Section 51-c which shall provide